

REMARKS

Claims 1 through 3 are pending in the application. All the claims stand initially rejected.

1. Claim 1 has been objected too for not having a “period” at the end. Claim 1 did end in a “period” when it was filed. In any event, the present amendment to claim 1 includes the missing “period.” Thus, withdrawal of this objection is respectfully requested.

2. Claims 1 and 2 are initially rejected as anticipated by U.S. Patent No. 5,169,655 to Von Holdt, Sr. (the ‘655 patent).

Claims 1 and 3 are amended to add limitations to the bushings which support the ball member in the housing. These bushings support the ball member at the inlet and outlet of the valve, but also create space between the outside of the ball member and the inside of the housing. As explained in the application (paragraph [0051]), excess concrete slurry can (does) leak around the bushings, into the space between the inside of the housing and the surface of the ball member.

The openings through the sides ,of the housing, both the main openings (356, 359) and any additional openings (362, 365, 368), provide access into this space to permit the excess slurry to be cleaned out without disassembling the valve.

These limitations are not disclosed or taught in the ‘655 patent.

3. Claim 3 is initially rejected for obviousness type double-patenting over claim 1 of applicant’s U.S. Patent No. 6,395,213 (the ‘213 patent) in view of the ‘655 patent. The Examiner provides the following basis for this rejection:

While ‘213 does not claim a ball member used to feed the cavity, Von Holdt, Sr. discloses such a ball member to be conventional in order to feed a cavity.

Although the preceding statement in regard to Von Holdt, Sr. may be true as relates to injection molding plastic resin, the ‘655 patent does not disclose or teach “such a ball member to be conventional in order to feed **[liquefied concrete into]** a cavity.”

Neither the ‘213 patent nor the ‘655 patent teach or suggest using a ball type valve for liquefied concrete. The ‘655 patent relates to injection molding of molten plastic resin-- which is very dissimilar from liquefied concrete. Nothing in the ‘655 patent suggests that a ball type valve would be desirable, or even usable, in pumping liquefied concrete.

The ‘213 patent is silent on the use of any type of valve. Originally, a non-ball type shut off valve was used. Nothing in the ‘213 patent teaches using a ball type shut off valve. Applicant discovered that a ball type shut valve could be modified for use in the mold described in the ‘213 patent. However, only by modifying the valve in the manner described in the present application can a ball type valve even be used with liquefied concrete. Without such modifications, the ball type valve cannot be used acceptably because concrete will harden inside the ball valve, and will not be removable without disassembling the valve body. The valve

would have to be disassembled after each use. Neither the '655 patent nor applicant's '213 patent teach modifying a ball valve in the manner described to use in pumping liquefied concrete.

Additionally, Claim 3 has also been amended similarly to claim 1 by adding limitations to the bushings which support the ball member. Neither the '655 patent nor applicant's '213 patent disclose or teach these added limitations. Therefore, claim 3 is further believed to be patentable over these patents.

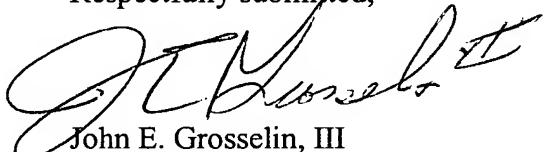
4. New claim 4 has been added. Claim 4 corresponds to claim 2, but is dependent from claim 3.

CONCLUSIONS

For all of the reasons explained above, amended claims 1 and 3, and hence claims 2 and 4 which depend therefrom, are believed to be patentable over either or both of Von Holdt, Sr., and applicant's '213 patent.

Therefore, and for all of the reasons set forth in detail above, reconsideration and allowance of claims 1-4, as amended, are respectfully requested.

Respectfully submitted,



John E. Grosselin, III
Registration No. 38,478
BUCHANAN INGERSOLL, P.C.
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219
(412) 562-1370